

ITEM # \_\_\_\_\_

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** ALOMA MINI STORAGE REZONE /PCD AMENDMENT

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** April Boswell *AB* **CONTACT:** Ian Sikonia **EXT.** 7398

**Agenda Date** 12/6/06 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. **RECOMMEND APPROVAL** of the Aloma Mini Storage PCD Major Amendment, Rezone from PCD to PCD, Addendum #1 to Development Order # 89-443.01, and Addendum # 1 to the Aloma Mini Storage PCD Developer's Commitment Agreement, for 8.9± acres located on the south side of Aloma Avenue, approximately 600 feet east of the intersection of Tuskawilla Road and Aloma Avenue, based on staff findings (Frith & Associates, Inc., LLC, applicant); or
2. **RECOMMEND DENIAL** of the Aloma Mini Storage PCD Major Amendment and Rezone from PCD to PCD, for 8.9± acres located on the south side of Aloma Avenue, approximately 600 feet east of the intersection of Tuskawilla Road and Aloma Avenue, (Frith & Associates, Inc., LLC, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 1 – Commissioner Dallari

Ian Sikonia, Senior Planner

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**BACKGROUND:**

The Development Order for the Aloma Marketplace PCD was approved on March 14, 1995. The name of the PCD was changed during the Final Site Plan stage to the Aloma Mini Storage PCD. The Aloma Mini Storage PCD Developer's Commitment Agreement was approved by the Board of County Commissioners on January 9, 1996. The approval was for 102,366 square feet of buildings allowing for those uses permitted in the

Reviewed by: \_\_\_\_\_  
Co Atty: *KFT*  
DFS: \_\_\_\_\_  
OTHER: *ABW*  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_

File No. Z 2006-073

C-1 zoning district and in addition, a mini-storage warehouse facility for personal storage, with open storage allowed in the rear of the property.

At this time, the applicant is requesting to allow outdoor storage on the outparcel named Phase III in the Developers Commitment Agreement approved on January 9, 1996. The 1.28± acre outparcel is located on the northeastern portion of the property abutting Aloma Avenue. The applicant would like to store boats and RV's on the outparcel. The applicant is proposing 100 parking spaces ranging in size from 20' x 11' to 30' x 11' on the 1.28± acre parcel.

#### **BUFFERING:**

The outparcel will be sufficiently buffered from Aloma Avenue and is adjacent to Commercial Tract F within the Deep Lake PUD to the east. There will be a 14-foot tall storage building in the northern portion of the outparcel. The building façade facing Aloma Avenue will consist of a 14-foot tall façade, where the first 6 feet will consist of grey split face block and the remaining 8 feet will consist of an ash grey horizontal U-panel. The east side of the outparcel will consist of a 6-foot block screen wall that will tie into the existing wall on the southern portion of the outparcel.

There will be a 25-foot landscape buffer on the northern portion of the outparcel abutting Aloma Avenue. Along the eastern portion of the outparcel there will be a 15 foot landscape buffer with a 6-foot block screen wall. The proposed Landscaped Buffers shall be in compliance with Seminole County Land Development Code 30.1230(3) regarding planting requirements along public rights-of-way. There shall be four canopy trees per 100 hundred linear feet with a minimum 30-inch hedge along the northern and eastern landscape buffers.

#### **COMPATIBILITY STATEMENT:**

The proposed amendment to the PCD will not have any effects on wetlands, floodplains, threatened and endangered species, Concurrency, utilities, traffic, public safety, or schools. Staff has reviewed the request for compatibility with the surrounding properties and finds that it is compatible due to the fact that the proposed wall and landscape requirements exceed the requirements of the Land Development Code. The proposed landscape buffers will adequately buffer the outdoor storage component of the Aloma Mini Storage PCD. The proposed landscape plan will consist of four minimum 4" caliper canopy trees per 100 linear feet and a minimum 30" continuous hedge within the landscape buffers. The proposed 14-foot building and 6-foot wall will provide an opaque buffer from Aloma Avenue and the townhome units to the east of the site.

#### **INTERGOVERNMENTAL NOTIFICATION:**

The subject site is not located near or adjacent to any municipality, therefore no Intergovernmental notice was sent.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Aloma Mini Storage Major Amendment and Rezone from PCD to PCD, for 8.9± acres located on the south side Aloma Avenue, located 600 feet east of the intersection of Tuskawilla Road and Aloma Avenue, based on staff findings.

Attachments:

Location Map

FLU/Zoning Map

Aerial Photo

PCD Final Site Plan

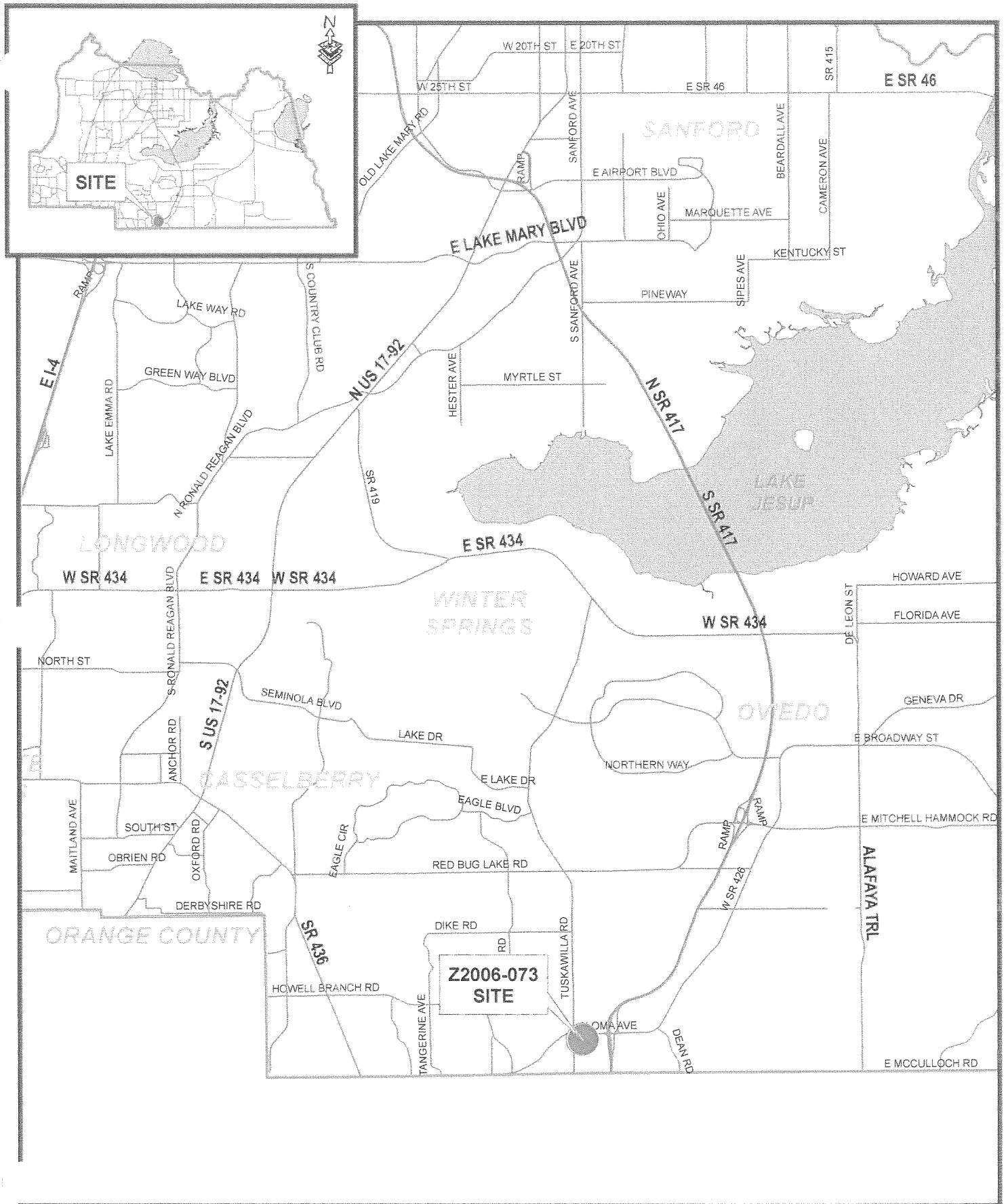
Architectural Rendering

Addendum #1 to the Development Order #89-443.01

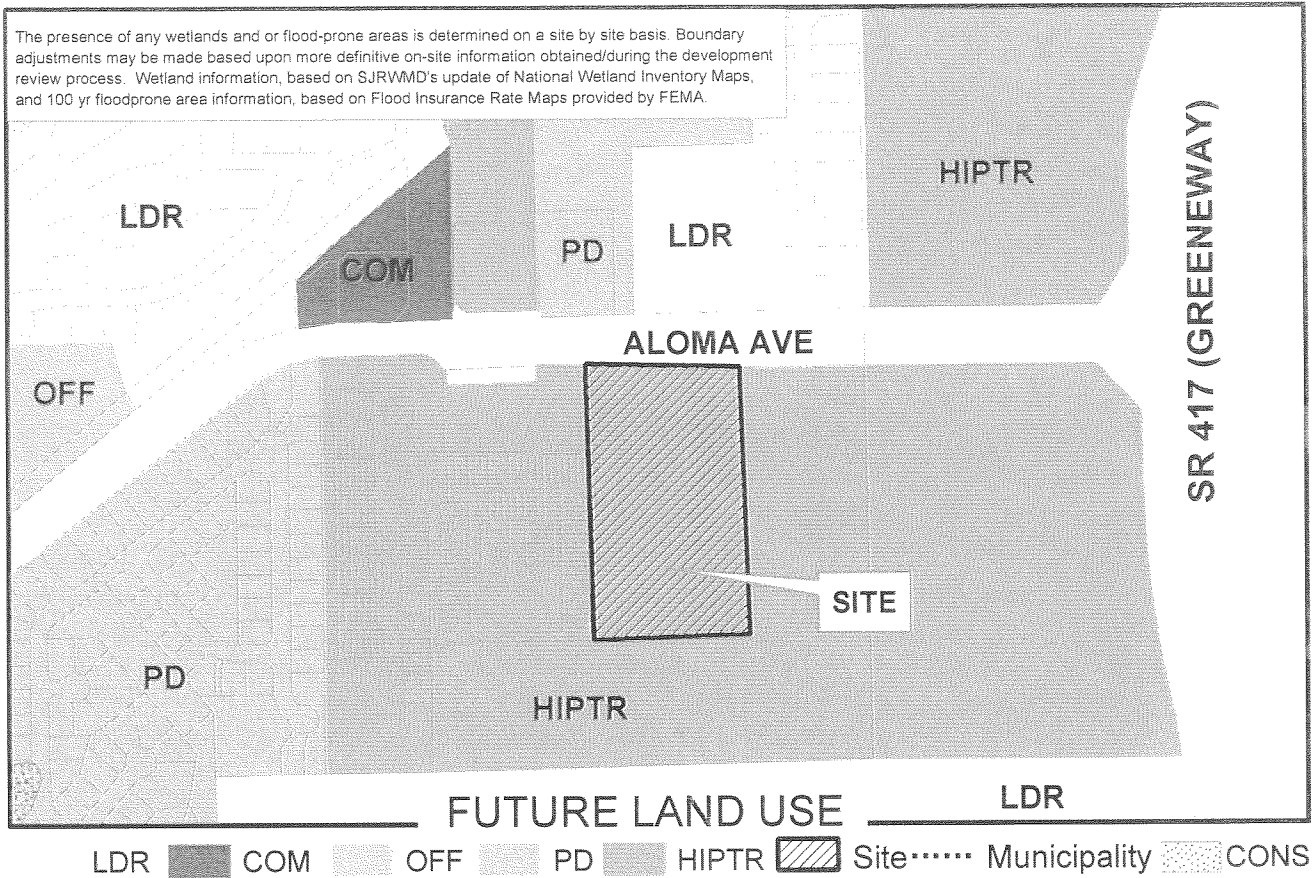
Addendum #1 to the Aloma Mini Storage Developers Commitment Agreement

Denial Development Order (applicable if the request is denied)

Rezone Ordinance

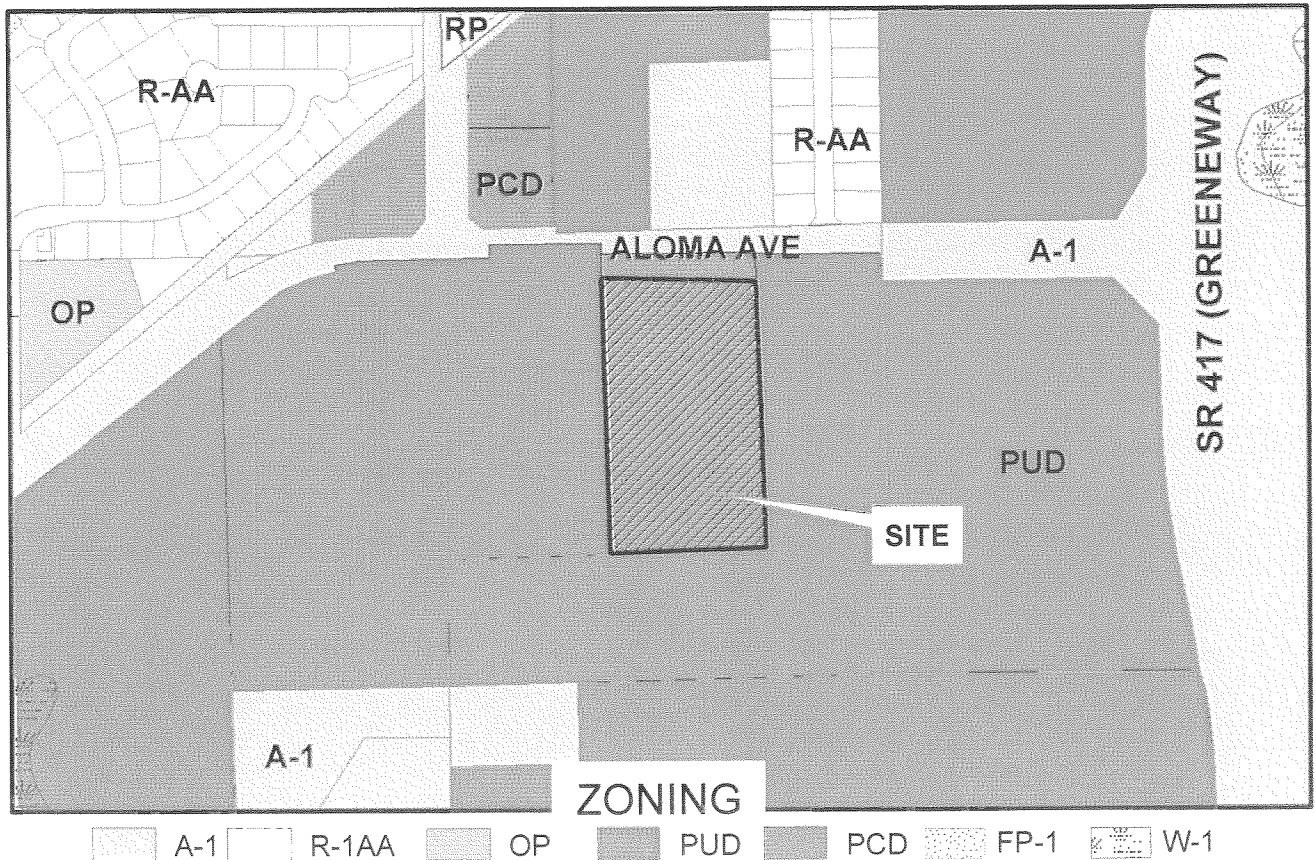


The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Applicant: Charles Bailes  
 Physical STR: 36-21-30-300-0240-0000  
 Gross Acres: 8.886 +/- BCC District: 1  
 Existing Use: Mini storage facility  
 Special Notes: PCD Amendment and Final Site Plan

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-073	--	--







Rezone No: Z2006-073  
final PCD amdmnt &  
final site plan review

- ☐ Parcel
- ☐ Subject Property



Winter 2006 Color Aerials

APR-4 1995

On April 3, 1995, Seminole County issued this  
Development Order relating to and touching and concerning the  
following described property:

See Addendum "A"

[The aforescribed legal description has been provided  
to Seminole County by the owner of the aforescribed  
property.]

## FINDINGS OF FACT

Property Owner: Charles E. Bailes  
Project Name: Aloma Marketplace PCD  
Requested Development Approval: Revision to preliminary master  
plan.

The development approval sought is consistent with the  
Seminole County Comprehensive Plan and will be developed consistent  
with and in compliance to applicable land development regulations  
and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by  
and subject to the development conditions and commitments stated  
below and has covenanted and agreed to have such conditions and  
commitments run with, follow and perpetually burden the  
aforescribed property.

## Order

NOW, THEREFORE, it is ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval  
is GRANTED.

(2) All development shall fully comply with all of the codes  
and ordinances in effect in Seminole County at the time of issuance  
of permits including all impact fee ordinances.

Prepared By: Melissa Tulp  
1101 East First Street  
Sanford, FL 32771

MARYANNE MORSE  
CLERK OF CIRCUIT COURT

689516

SEMINOLE COUNTY  
RECORDED & VERIFIED  
95 APR-4 PM 1:03

RETURN TO SANDY WALL

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A) This Development Order replaces D.O. #89-443.
- B) The site is to have one full access drive on SR 426.
- C) A 15' deep landscaped buffer, planted with 4" caliper oaks will be maintained along SR 426.
- D) Dedication of cross access/joint driveway easements on the western and eastern property lines to provide cross access with adjacent properties.
- E) The internal access to the two out parcels shall conform to the transportation standards.
- F) Permitted uses shall be limited to those uses in the C-1 zoning district and a mini-storage warehouse facility for personal storage.
- G) One sign - 15 ft. in height.
- H) All buildings single story.
- I) A 6ft. wrought iron fence with split face block concrete columns and building exterior of split face block along the front and back to buildings on side.
- J) Sides without buildings and rear property line will have a 6 ft. solid block wall, solid wall of the building, 6 ft. chain link with hedge 80% opaque.
- K) Landscaping to meet Seminole County standards for commercial property.
- L) Dry storage only, no retail or commercial activities within mini warehouse facility.
- M) Open storage on rear of property with screening (fence or wall stated above).
- N) No bright colors (gray decorative split face block with blue or red trim).
- O) 24 hour secured entry.
- P) Shoe box style lighting shall be utilized on the site.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

OFFICIAL RECORDS  
BOOK PAGE

2900 0275

OFFICIAL RECORDS  
BOOK PAGE

2911 0538



(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first above.

As approved and authorized for  
execution by the Board of County  
Commissioners at their meeting of  
~~February 14, 1995~~  
March 14, 1995

By:

*J. Kevin Grace*  
J. Kevin Grace  
Deputy County Manager  
Community Services

OFFICIAL RECORDS			
BOOK	2900	0276	2911
PAGE			0539
SEMINOLE CO. FL.			SEMINOLE CO. FL.

SEMINOLE COUNTY D.O. #89-443.01

OWNER'S CONSENT AND COVENANT

COMES NOW, Charles E. Bailes, Jr. the  
owner(s) of the aforescribed property in this Development Order,  
on behalf of itself and its heirs, successors, assigns or  
transferees of any nature whatsoever and consents to, agrees with  
and covenants to perform and fully abide by the provisions, terms,  
conditions and commitments set forth in this Development Order.

Christina E. Buntin  
Witness

Charles E. Bailes Jr. Owner

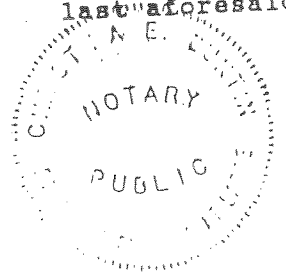
Josh Corwin  
Witness

SEMINOLE CO. FL.

STATE OF FLORIDA )  
COUNTY OF SEMINOLE (Orange)

I HEREBY CERTIFY that on this day, before me, an officer  
duly authorized in the State and County aforesaid to take  
acknowledgements, personally appeared Charles E. Bailes Jr.  
who is personally known to me ~~or who has produced~~  
as identification and who did take an oath.

WITNESS my hand and official seal in the County and State  
last aforesaid this 24 day of March, 1995.



Christina E. Buntin  
Notary Public, in and for the County  
and State Aforementioned

My Commission Expires:

CHRISTINA E. BUNTIN  
Notary Public, State of Florida  
My Comm. Expires May 13, 1995  
Comm. # CC105193

OFFICIAL RECORDS  
BOOK PAGE  
2911 0541  
SEMINOLE CO. FL.

## LEGAL DESCRIPTION

### ALOMA MARKETPLACE PCD

That portion of the following described parcel of land lying South of State Road 426 (Aloma Ave.) as described in O.R.B. 1890, Page 1507 of the Public Records of Seminole County, Florida.

Beginning 155.5 yards (466.50 feet) East of the Northwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, running East 155.5 yards (466.50 feet); South 311 yards (933.00 feet), West 155.5 yards (466.50 feet), North 311 yards (933.00 feet) to Point of Beginning, being more particularly described as follows:

That portion of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida being more particularly described as follows:

Begin at the intersection of the East line of the West 466.50 feet of said Southeast 1/4 with the proposed South Right-of-Way line of Aloma Avenue (S.R. 426) as recorded in ORB 1890, Page 1507 of the Public Records of Seminole County, Florida; thence run S 88°28'16" E along said South Right-of-Way line for a distance of 268.67 feet; thence run S 88°11'07" E along said South Right-of-Way line for a distance of 198.22 feet; thence run S 00°40'48" E along the East line of the West 933.00 feet of said Southeast 1/4 of Section 36 for a distance of 820.32 feet; thence run S 89°24'43" W along the South line of the North 933.00 feet of said Southeast 1/4 of Section 36 for a distance of 466.50 feet; thence run N 00°40'48" W along the aforementioned East line of the West 466.50 feet of the Southeast 1/4 of Section 36 for a distance of 838.55 feet to the Point of Beginning.

Containing 8.886 acres more or less.

**SEMINOLE COUNTY ADDENDUM #1 TO DEVELOPMENT  
ORDER #89-443.01**

On January 23, 2007, Seminole County issued this Addendum #1 to Development Order 89-443.01 that was approved on April 3, 1995 relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner(s):** Charles Bailes, Jr.

**Project Name:** Aloma Mini Storage PCD Major Amendment

**Requested Development Approval:** The applicant is requesting a Major Amendment to the Aloma Mini Storage PCD.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Ian Sikonia, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

## Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is GRANTED.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows (underlines are additions, strikethroughs are deletions):
  - a. This Development Order replaces D.O. #89-443.
  - b. The site is to have one full access drive on SR 426.
  - c. A 15' deep landscaped buffer, planted with 4" caliper oaks will be maintained along SR 426.
  - d. Dedication of cross access/joint driveway easements on the western and eastern property lines to provide cross access with adjacent properties.
  - e. The internal access to the two out parcels shall conform to the transportation standards.
  - f. Permitted uses shall be limited to those uses in the C-1 zoning district and a mini-storage warehouse facility for personal storage. The Phase III out parcel shall also have outdoor storage as a permitted use.
  - g. One Sign – 15 feet in height.
  - h. All buildings single story.
  - i. A 6 ft. wrought iron fence with split face block concrete columns and building exterior of split face block along the front and back to buildings on side.
  - j. Sides without building and rear property line will have a 6 ft. chain link with hedge 80% opaque.
  - k. Landscaping to meet Seminole County standards for commercial property.
  - l. Dry storage only, no retail or commercial activities within mini warehouse facility.
  - m. Open storage on the rear of property with screen (fence or wall stated above).
  - n. No bright colors (gray decorative split face block with blue or red trim).
  - o. 24 hour secured entry.
  - p. Shoe box style lighting shall be utilized on the site.
  - q. The Phase III out parcel shall consist of a 25-foot landscape buffer along the northern property line. The buffer shall consist of four minimum 4-inch caliper canopy trees per 100 linear feet and a minimum 30-inch continuous hedge.
  - r. The Phase III out parcel shall have a 10-foot landscape buffer along the eastern property line. The eastern buffer shall consist of four minimum 4-inch caliper canopy trees per 100 linear feet and a minimum 30-inch continuous hedge.
  - s. The applicant shall construct a 6-foot block screen wall along the eastern property line of the Phase III out parcel that will tie into the existing retaining wall along the eastern property line.



(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the Charles Bailes, Jr., on behalf of itself and its agents, successors, assigns, or transferees of any nature whatsoever and consents to, agrees with, and covenants to perform and fully abide by the provisions, terms, conditions, and commitments set forth in this Addendum.

Bailes Holdings, Inc.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Charles Bailes, Jr.

\_\_\_\_\_  
Witness

STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2007 by Charles Bailes, Jr., Bailes Holdings, Inc., who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION:

*SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST  
SEMINOLE COUNTY, FLORIDA*

BEGINNING 155.5 YARDS EAST OF THE NORTHWEST CORNER OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, RUNNING EAST 155.5 YARDS; SOUTH 311 YARDS, WEST 155.5 YARDS, NORTH 311 YARDS TO POINT OF BEGINNING, LESS ANY PORTION LYING IN STATE ROAD 426, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE EAST LINE OF THE WEST 466.50 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  WITH THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF ALOMA AVENUE (S.R. 426) AS RECORDED IN ORB 1890, PAGE 1507 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S 88°28'16" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 268.67 FEET; THENCE RUN S 88°11'07" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 198.22 FEET; THENCE RUN S 00°40'48" E ALONG THE EAST LINE OF THE WEST 933.00 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36 FOR A DISTANCE OF 820.32 FEET; THENCE RUN S 89°24'43" W ALONG THE SOUTH LINE OF THE NORTH 933.00 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36 FOR A DISTANCE OF 466.50 FEET; THENCE RUN N 00°40'48" W ALONG THE AFOREMENTIONED EAST LINE OF THE WEST 466.50 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36 FOR A DISTANCE OF 838.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.886 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS AND EASEMENTS ON RECORD.

## ALOMA MINI STORAGE

### DEVELOPER'S COMMITMENT AGREEMENT

APPROVED BY BOARD OF COUNTY COMMISSIONERS ON JANUARY 9, 1996

#### I. Legal Description

Beginning 155.5 yards east of the northwest corner of the northeast 1/4 of the southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, running east 155.5 yards; south 311 yards, west 155.5 yards, north 311 yards to Point of Beginning, less any portion lying in State Road 426, being more particularly described as follows:

That part of the northeast 1/4 of the southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida described as follows:

BEGIN at the intersection of the east line of the west 466.50 feet of said northeast 1/4 of the southeast 1/4 with the proposed south right-of-way line of Aloma Avenue (S.R. 426) as recorded in ORB 1890, Page 1507 of the Public Records of Seminole County, Florida; thence run S 88 28'16" E along said south right-of-way line for a distance of 268.67 feet; thence run S 88 11'07" E along said south right-of-way line for a distance of 198.22 feet; thence run S 00 40'48" E along the east line of the west 933.00 feet of said northeast 1/4 of the southeast 1/4 of Section 36 for a distance of 820.32 feet; thence run S 89 24'43" W along the south line of the north 933.00 feet of said northeast 1/4 of the southeast 1/4 of Section 36 for a distance of 466.50 feet; thence run N 00 40'48" W along the aforementioned east line of the west 466.50 feet of said northeast 1/4 of the southeast 1/4 of Section 36 for a distance of 838.55 feet to the POINT OF BEGINNING.

Containing 8.886 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

#### II. Statement of Basic Facts

- A. Total Acreage: 8.9 acres
- B. Total Building S.F.: Phases I and II: 102,366 S.F.  
Phase III Out Parcel: To be determined at a later date.
- C. Permitted Uses: Those uses permitted in the C-1 zoning district and in addition, a mini-storage warehouse facility for personal storage.

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
BY Carylon Cole  
DEPUTY CLERK

**ALOMA MINI STORAGE  
DEVELOPER'S COMMITMENT AGREEMENT  
PAGE TWO**

**III. Tract Breakdown**

The site contains an out-parcel of 1.41 acres. The proposed project therefore consists of 7.49 acres and is proposed in phases:

Phase	Acres	Building Sq. Footage	Uses
1	5.07	51,900	self storage, office/res., stormwater
2	2.42	50,400	self storage
3	1.41	To be determined upon submittal of a final site plan	

**IV. Building and Lot Restrictions**

Buildings shall be no more than one story and comply with maximum height and minimum building setback standards in zone PCD and the approved revised Preliminary Master Plan (D.O. No. 89-443.01).

**V. Landscaping, Buffers, and Walls**

- A. A 15' deep landscape buffer planted with 4' caliper trees is to be installed and maintained along SR 426. A landscaping plan is provided and follows Seminole County Land Development Code requirements and the approved revised Preliminary Master Plan (D.O. No. 89-443.01).
- B. A 6 ft. wrought iron fence with split face block concrete columns shall be installed along the north, east, and west property boundaries. Building exteriors exposed to those same boundaries shall also be comprised of split face block.
- C. Sides without buildings and rear property line will have a 6 ft. solid block wall, solid wall of the building, or 6 ft. chain link fence with hedge 80% opaque.



**ALOMA MINI STORAGE  
DEVELOPER'S COMMITMENT AGREEMENT  
PAGE THREE**

**VI. Off-site Improvements**

Off-site improvements to S.R. 426 will be performed by FDOT in conjunction with the roadway widening project.

**VII. Facility Commitments**

- A. Water and Sewer: Water will provided by Seminole County from a proposed stub-out of the existing main at Station 169 + 13. Sewerage system will be provided by septic tank and drainfield.

**VIII. Other Commitments**

- A. Unless specifically addressed in this agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.

- B. Developer Definition:

When the term "Developer" is used herein, same shall be taken or construed to mean Bailes Properties, Inc. All obligations, liabilities, and responsibilities incurred by or implied by the Developer by this agreement shall be assumed by any successors in interest as the overall Development of the Planned Commercial Development.

- C. The site is to have one full access drive on SR 426.
- D. Dedication of cross access/joint driveway easements on the western and eastern property lines to provide cross access with adjacent properties.
- E. The internal access to the two out parcels shall conform to the transportation standards.
- F. One Sign shall be permitted with a maximum height of 15 ft.
- G. Dry storage only, no retail or commercial activities within mini warehouse facility.
- H. Open storage on rear of property with screening described above in Item V. Landscaping, Buffers, and Walls.
- I. No bright colors (gray decorative split face block with blue or red trim).

**ALOMA MINI STORAGE  
DEVELOPER'S COMMITMENT AGREEMENT  
PAGE FOUR**

- J. Facility shall have 24 hour secured entry.
- K. Shoe box style lighting shall be utilized on the site.

Approved by the Board of County Commissioners on 1/9/96.

Charles E. Bailey Jr  
Developer

1-5-96  
Date

[Signature]  
Board of County Commissioners  
Seminole County, Florida

1.15.96  
Date

## Addendum #1 to the Aloma Mini Storage PCD Developer's Commitment Agreement

This Addendum is relative to and Amends that document entitled, "Aloma Mini Storage PCD Developer's Agreement" (hereinafter, the "Agreement") executed on January 15, 1996.

This Addendum augments the Agreement (in its current form), and all terms and definitions of said Agreement are binding hereto. Where this Addendum may materially conflict with the Agreement, the terms and definitions of the Agreement shall prevail and be applied. Any subsequent modification of the Agreement, unless requested by the property, shall not affect the Aloma Mini Storage PCD.

This addendum pertains solely to that parcel described in the Agreement as the Aloma Mini Storage PCD (Legal Description Attached as Exhibit A). Specifically, the Agreement is amended as follows underlines are additions, strikethroughs are deletions):

### II. Statement of Basic Facts

- C. Permitted Uses: Those uses permitted in the C-1 zoning district and in addition, a mini-storage warehouse facility for personal storage. The Phase III out parcel shall include outdoor storage as a permitted use.

### V. Landscaping, Buffers, and Walls

- D. The Phase III outparcel shall have a 25-foot landscape buffer along the northern property line. The buffer shall consist of four minimum 4-inch caliper canopy trees per 100 linear feet and a minimum 30-inch continuous hedge.
- E. The Phase III outparcel shall have a 10-foot landscape buffer along the eastern property line. The eastern buffer shall consist of four minimum 4-inch caliper canopy trees per 100 linear feet and a minimum 30-inch continuous hedge.
- F. The applicant shall construct a 6-foot block screen wall along the eastern property line of the phase III outparcel that will tie into the existing retaining wall along the eastern property line.

DONE AND ORDERED ON  
THIS 23rd DAY OF JANUARY, 2007

By: \_\_\_\_\_

Carlton D. Henley, Chairman  
Seminole County Board of Commisioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the Charles Bailes, Jr., on behalf of itself and its agents, successors, assigns, or transferees of any nature whatsoever and consents to, agrees with, and covenants to perform and fully abide by the provisions, terms, conditions, and commitments set forth in this Addendum.

Bailes Holdings, Inc.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Charles Bailes, Jr.

\_\_\_\_\_  
Witness

STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2007 by Charles Bailes, Jr., Bailes Holdings, Inc., who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

*SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST  
SEMINOLE COUNTY, FLORIDA*

BEGINNING 155.5 YARDS EAST OF THE NORTHWEST CORNER OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, RUNNING EAST 155.5 YARDS; SOUTH 311 YARDS, WEST 155.5 YARDS, NORTH 311 YARDS TO POINT OF BEGINNING, LESS ANY PORTION LYING IN STATE ROAD 426, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE EAST LINE OF THE WEST 466.50 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  WITH THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF ALOMA AVENUE (S.R. 426) AS RECORDED IN ORB 1890, PAGE 1507 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S 88°28'16" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 268.67 FEET; THENCE RUN S 88°11'07" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 198.22 FEET; THENCE RUN S 00°40'48" E ALONG THE EAST LINE OF THE WEST 933.00 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36 FOR A DISTANCE OF 820.32 FEET; THENCE RUN S 89°24'43" W ALONG THE SOUTH LINE OF THE NORTH 933.00 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36 FOR A DISTANCE OF 466.50 FEET; THENCE RUN N 00°40'48" W ALONG THE AFOREMENTIONED EAST LINE OF THE WEST 466.50 FEET OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 36 FOR A DISTANCE OF 838.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.886 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS AND EASEMENTS ON RECORD.



**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On January 23, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

**Property Owner(s):** Charles Bailes, Jr.

**Project Name:** Aloma Mini Storage PCD Major Amendment

**Requested Development Approval:** The applicant is requesting a Major Amendment to the Aloma Mini Storage PCD.

The Board of County Commissioners has determined that the request for a Major Amendment to the Aloma Mini Storage PCD is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Aloma Mini Storage PCD Major Amendment" and all evidence submitted at the public hearing on January 23, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PCD Major Amendment should be denied.

**ORDER**

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD OF COUNTY  
COMMISSIONERS**

**By:** \_\_\_\_\_  
Carlton D. Henley, Chairman

EXHIBIT A

LEGAL DESCRIPTION:

*SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST  
SEMINOLE COUNTY, FLORIDA*

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AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Aloma Mini Storage PCD Major Amendment."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from PCD (Planned Commercial Development) to PCD (Planned Commercial Development):

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Addendum #1 to Development Order #89-443.01 and Addendum #1 to the Aloma Mini Storage PCD Developer's Commitment Agreement in the Official Land Records of Seminole County.

ENACTED this 23rd day of January 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

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SEMINOLE COUNTY, FLORIDA*

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